

AUG 08 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : GOGERTY, Joseph Kevin  
SERIAL NO : 10/781,403  
FILED : February 18, 2004  
TITLE : INBRED MAIZE LINE PH726

Grp/A.U. : 1638  
Examiner : FOX, David T.  
Conf. No. : 1872  
Docket No. : P06281US01 - PHI 1331C

## SUPPLEMENTAL AMENDMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

As a follow-up to Applicant's Amendment filed on May 24, 2005, in response to the communication from the Examiner dated March 14, 2005, and in response to the recent Board of Appeal decisions in U.S. Patent applications 10/000,311; 09/771,938; and 09/772,520 and the applicability of the reasoning of those Board decisions to the claims and arguments in the present case. It is respectfully requested that this Supplemental Amendment be entered and made of record. The following amendments and remarks place the application in form for allowance. No new matter is presented, as such the Amendment is proper under 37 C.F.R. § 1.111. Applicant respectfully requests reconsideration.

08/16/2005 GDUCKETT 00000001 260084 10781403

01 FC:1201 400.00 DA  
02 FC:1202 500.00 DA

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop Amendment, Alexandria, VA 22313-1450.

## FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (571) 273-8300.

Date:

8/8/05

  
LILA A. T. AKRAD

101 781,403

PTO/SB/06 (08-03)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD						Application or Docket Number	
Substitute for Form PTO-875							
<b>CLAIMS AS FILED - PART I</b>							
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA		RATE	FEE	RATE	FEE
BASIC FEE (37 CFR 1.16(a))					\$		\$
TOTAL CLAIMS (37 CFR 1.16(c))		minus 20 =		X \$		X \$	
INDEPENDENT CLAIMS (37 CFR 1.16(b))		minus 3 =		X \$		X \$	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))				+	\$	+	\$
				TOTAL		TOTAL	
<p>* If the difference in column 1 is less than zero, enter "0" in column 2.</p>							
<b>CLAIMS AS AMENDED - PART II</b>							
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
Total (37 CFR 1.16(c))	10	Minus 20	=	X \$		X \$	
Independent (37 CFR 1.16(b))	3	Minus 3	=	X \$		X \$	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				+	\$	+	\$
				TOTAL ADD'L FEE		TOTAL ADD'L FEE	
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
Total (37 CFR 1.16(c))	30	Minus 20	= 10	X \$		X \$ 50	500
Independent (37 CFR 1.16(b))	5	Minus 3	= 2	X \$		X \$ 200	400
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				+	\$	+	\$
				TOTAL ADD'L FEE		TOTAL ADD'L FEE	900
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
Total (37 CFR 1.16(c))		Minus	=	X \$		X \$	
Independent (37 CFR 1.16(b))		Minus	=	X \$		X \$	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				+	\$	+	\$
				TOTAL ADD'L FEE		TOTAL ADD'L FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

2